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THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:-06-02-2006

Coram:
The Hon'ble Mr. Justice P. SATHASIVAM
and
The Hon'ble Mr. Justice J.A.K. SAMPATHKUMAR

Habeas Corpus Petition No. 73 of 2006

N. Ayyavu. .. Petitioner.

Vs.

1. The Superintendent of Police,
   Dharmapuri District.

2. The State of Tamil Nadu,
   represented by the Inspector of Police,
   Karimangalam Police Station,
   Karimangalam, Dharmapuri District.

3. Palanivel.

4. Palaniappan,

5. M. Subramani @ M.S. Mani. .. Respondents.

Habeas Corpus Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Habeas Corpus directing the respondents 1 and 2 to produce the daughter of the petitioner namely Tamilselvi before this Court and to set her at liberty.

Mr. K. Selvaraj:- For petitioner.

Mr. R. John Sathyan:- For third respondent.

Mr. M.K. Subramanian, Govt., Advocate (Crl. side):- For respondents 1 and 2.

ORDER

(Order of Court was made by P. Sathasivam, J.,)

Pursuant to the direction of this Court, detenu-Tamilselvi, who is none-else than the daughter of the petitioner, appeared before us. According to the petitioner, the third respondent who is a neighbour, after

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assuring his daughter, took her to Delhi and stayed there some time. It is also his claim that after spending for some time there, he left her and that her whereabouts are not known, hence he filed the present Habeas Corpus Petition.

2. We also enquired Tamilselvi, his daughter who is aged about 22 years, hence she is a major. Though she reiterated the averments made by the petitioner i.e., her father, the same is denied by the third respondent-Palanivelu. We also enquired the said Palanivelu. According to him, he is aged about 28 years. He is a B.Sc., Graduate and he had gone to Delhi for preparing preliminary examination in Indian Administrative Service. He also informed us that he is possessed with sufficient lands and he denied the claim of the petitioner as well as the statement of Tamilselvi.

3. It is brought to our notice that pursuant to the complaint of the petitioner, the Inspector of Police, Karimangalam Police Station, Dharmapuri District, has registered a case in Crime No. 10/2006 under Sections 147, 417, 366-A I.P.C., against the third respondent.

4. After considering the statement of the daughter of the petitioner-Tamilselvi and third respondent-Palanivelu as well as the Case Diary produced by the second respondent, we are of the view that there cannot be any direction by this Court compelling the third respondent to marry the daughter of the petitioner exercising jurisdiction under Habeas Corpus Petition. In such a circumstance, in the light of the materials referred to above, the respondents 1 and 2 are permitted to pursue the complaint of the petitioner in accordance with law. It is also made clear that if the petitioner and his daughter are still aggrieved, they are free to approach the appropriate Forum to vindicate their grievance. With the above observation, this petition is disposed of.

R.B.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1. The Superintendent of Police, Dharmapuri District.

2. The Inspector of Police, Karimangalam Police Station, Dharmapuri District.

3. The Public Prosecutor, High Court, Madras

+ one cc to M/s. K. Selvaraj, Advocate sr no. 5381
+ one cc to Mr. R. John Sathya, Advocate sr no. 4914

AVA(Co)
NM(27.02.2006)

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